

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

JOHN PAUL FRANK SCHOWACHERT,

Plaintiff,

v.

POLLEY,

Defendant.

Case No. 1:25-cv-00121-JLT-BAM (PC)

**ORDER DENYING PLAINTIFF’S MOTION  
TO SUBMIT EVIDENCE**

(ECF No. 9)

Plaintiff John Paul Frank Schowachert (“Plaintiff”) is state prisoner proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983. Plaintiff’s complaint has not yet been screened. Currently pending are the Court’s February 5, 2025 findings and recommendations recommending that Plaintiff’s motion for leave to proceed *in forma pauperis* be denied. (ECF No. 7.)

On February 12, 2025, Plaintiff filed a motion to submit evidence, with attached exhibits. (ECF No. 9.) Plaintiff moves to submit proof of his injuries in support of the claims in his complaint. (*Id.*)

As explained in the Court’s January 29, 2025 first informational order, the Court cannot serve as a storage for the parties’ evidence. (ECF No. 4, p. 3.) Parties may not file evidence with the Court until the course of litigation brings the evidence into question. **Plaintiff is reminded that evidence improperly submitted to the Court may be stricken or returned.**

1 The undersigned has recommended that Plaintiff's motion for leave to proceed *in forma*  
2 *pauperis* be denied and that Plaintiff be required to submit the filing fee in full to proceed with  
3 this action. Plaintiff's motion and proposed evidence do not address those findings and  
4 recommendations or Plaintiff's *in forma pauperis* application. There are no other pending  
5 matters that would require Plaintiff to submit evidence to be entered on the Court's docket at this  
6 time. Plaintiff should not submit evidence unless it is connected to a motion that is making a  
7 specific request for relief that needs evidentiary support, such as a motion for summary judgment.

8 Based on the foregoing, Plaintiff's motion to submit evidence, (ECF No. 9), is HEREBY  
9 DENIED.

10 IT IS SO ORDERED.

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12 Dated: February 18, 2025

13 /s/ Barbara A. McAuliffe  
14 UNITED STATES MAGISTRATE JUDGE  
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